

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

Plaintiff,

v.

CIVIL ACTION NO. 94-2080 FAB

COMMONWEALTH OF PUERTO RICO

Defendant,

**MONITOR'S RESPONSE TO JOINT INFORMATIVE MOTION IN
COMPLIANCE WITH ORDERS ISSUED AT ECF 1662, ECF 1703, ECF 1712
AND ECF 1751**

TO THE HONORABLE COURT:

The Parties submitted the required monthly Joint Informative Motion in Compliance with Orders and previously agreed upon benchmarks on 7/15/2022. (Document 1809) In compliance with this Court's Order from July 18th, 2022 (Document 1810) the Monitor hereby submits her Response to the Joint Motion regarding specific paragraphs as noted below.

1) Paragraph 31 and April 28, 2022, Order, ECF 1757

Repairs to both Ponce and Villalba are in progress after many delays during the last couple of years. The Parties report that there are now delays with some of the work as a result of material shortages. Nonetheless, there appears to be progress being made in both facilities with both Paragraph 31 work, as well as repairs to the perimeter fence and gates of the remote cistern. Work is anticipated to be completed in August. An update should be provided during the status

conference on August 20th regarding further progress, and any approved extensions for materials shortages or other reasons.

2) S.A. 77, S.A. 78 and April 28, 2022, Order, ECF 1757 regarding Purchase and Installation of Additional Video Cameras and Radios

Steps were taken by DCR to expedite the purchase of video cameras by using an existing contract that GSA has in place for this equipment, and thus avoiding a lengthy bid process. The Commonwealth anticipates the delivery of the cameras by the end of August and described the 3-stage installation process. An installation schedule should be created and provided to the Monitor and the DOJ for the installation of cables, installation of cameras and equipment in the video surveillance room, and configuration of the new cameras.

Purchase of the new radios is complete, and radios were delivered to CDTs Ponce on June 6 and CDTs Villalba on June 10, 2022.

3) S.A. 63, C.O. 36 and April 28, 2022, Order ECF 1757 regarding regulation of housing unit temperatures

While a contract has been awarded for the work to Alarm and Control System, the contractor has issued conditions prior to commencing work. This issue should be reported on in the August status conference, along with any further action being taken by the General Services Administration to move this project forward.

4) April 26, 2022, Order, ECF 1749 and S.A. 48 regarding Staffing Plan

Staffing shortages remain one of the most critical issues impacting operations within the NIJ facilities, as well as the safety and security of both youth and staff. After two extensions, DCR must submit a plan to identify the current, past and anticipated future obstacles to adequately hire and retain sufficient staffing levels to reach compliance and avoid further cycles of staffing non-compliance.

The struggle to produce a viable plan has led to a new leadership structure withing NIJ and DCR, and the return of Gineima Ojeda Richardson as the Director of Programs for NIJ, and a management team which includes Sixto Marrero, Zulma Matias Doria Martinez, Virgen Vega and Carmen Malave. The communication between DCR and the Monitor's office, as well as GPR Maria del Mar Ortiz has been frequent and productive as this team has been put into place. DCR has put a team into place which addresses many of the concerns raised by the Monitor in her Informative Motion by the Monitor on NIJ Leadership filed 2/28/2022. (Document 1717) With the appropriate support from DCR, the NIJ team can address long standing staffing issues, as well as other areas of the Settlement Agreement which have not yet reached compliance.

The Monitor will continue to convene the parties every 14 days as required by this Court for updates from DCR about progress on the staffing plan, and alternatives being considered, with the next meeting on July 26th, and again on August 9th. (Document 1799)

The additional twenty-seven officers were split between the two facilities, and an additional 19 officers should complete the Academy by August 5 and be assigned to facilities on August 9th. These additional officer will provide some much-needed relief to those working double shifts and 12-hour shifts.

5) January 4, 2022, Order, ECF 1703 and April 26, 2022, Order, ECF 1749 regarding supervisory positions

DCR is taking steps to identify other candidates by July 22, 2022, expects to select additional candidates for promotion. DCR should continue to examine retention among supervisors as well as overtime policies concerning these positions.

6) January 4, 2022, Order ECF 1703 regarding Manager of Programs

The Monitor believes that DCR has made the right decision in hiring Carmen Malave as Manager of Programs and looks forward to her formal appointment to this position. Ms. Malave

has a proven history of working on compliance issues in a positive manner and will be an asset to the new management and decision-making structure.

7) April 27, 2022, Order ECF 1753 regarding Fr. Francisquini report

This Order has been complied with, and DCR's core team and Carmen Malave will coordinate a working schedule with Dr. Francisquini. As discussed with DCR, the Monitor will file a Motion to supplement her budget with additional funds for Dr. Francisquini to provide consultative services.

Respectfully Submitted, this 19th day of July 2022.

/s/ Kim Tandy

Kim Tandy

Federal Monitor, United States v. Commonwealth of Puerto Rico

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Certificate of Service

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will simultaneously serve notice of such filing to counsel of record to their registered electronic mail addresses.

Respectfully Submitted,

/s Kim Tandy

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